

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX**

-----X  
RASHAD ALI, MINERVA ALI, MINERVA ALI, as  
Guardian over DANYAL ALI, MINERVA ALI, as  
Guardian over DANYAH ALI, infant, and MINERVA  
ALI, as Guardian over TANYAH ALI, infant,

**Index No.: 23156/06**

**SUPPLEMENTAL VERIFIED  
BILL OF PARTICULARS**

*Plaintiffs,*

*-against-*

LECOURIUX G. YANNICK,

*Defendant.*

-----X  
**A T T O R N E Y S:**

PLEASE TAKE NOTICE that the plaintiffs, by their attorneys, SACKS AND SACKS, LLP, hereby supplements our Verified Bill of Particulars, based upon information and belief as follows:

3. Plaintiff, RASHAD ALI sustained the following injuries, all of which are permanent in nature and kind:

**BACK:**

- Herniated disc at L5-S1;
- Bulging disc at L4-L5;
- L5-S1 radiculopathy;

**NECK:**

- Cervical radiculopathy at C7-C8;
- Sensory CTS-bilaterally;
- Bulging disc at C3-C4;
- Central spur at C7-T1;

**HEAD:**

- Closed head trauma;
- Possible concussion;
- Possible post-concussion syndrome;

- Post-traumatic headaches;
- Jaw pain;
- TMJ dysfunction;
- Hypomobility of Temporoamandibular chondyle;

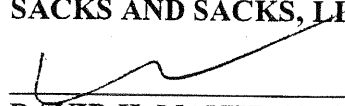
All of plaintiff's injuries have already required extensive orthopedic care, neurological care, physical therapy and will in the future, require further medical care and treatment including physical therapy, orthopedic care and the need for future surgical intervention.

All of the above injuries were attendant with extreme pain and suffering and have affected plaintiff's bodily systems and the skin, nerves, bones, tissues, tendons, muscles, blood vessels and other tissues. All of the above injuries and ill effects there from are permanent in nature except those of a superficial nature. Plaintiff reserves the right to supplement his bill of particulars at a later date when more medical information on plaintiff becomes available.

5. At the time of the accident, plaintiff was employed as Journeyman Union Doorman by Hudson View Realty and was earning \$583.00 per week in gross pay. This number does not include plaintiff's union benefits package. Plaintiffs Rashad Ali and Minerva Ali was confined to bed and home except for necessary visits to healthcare providers for approximately two weeks as a result of the injuries sustained in the accident.

Dated: New York, New York  
April 10, 2007

Yours, etc.,  
**SACKS AND SACKS, LLP**

  
**DAVID H. MAYER, ESQ.**  
Attorneys for Plaintiffs  
150 Broadway – 4<sup>th</sup> Floor  
New York, N.Y. 10038  
(212) 964-5570

TO:

SOL Z. SOKEL, ESQ.  
KELLY, RODE & KELLY, LLP  
Attorneys for Defendant  
300 Old Country Road, Suite 305  
Mineola, New York 11501  
(516) 739-0400

ATTORNEY'S VERIFICATION

I, DAVID H. MAYER, am an attorney duly admitted to practice in the courts of New York State, and say that: I am the attorney of record, or of counsel with the attorney(s) of record, for the plaintiff(s), I have read the annexed **SUPPLEMENTAL VERIFIED BILL OF PARTICULARS** know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following: facts, investigations and pertinent data contained in deponent's file.

The reason I make this affirmation instead of plaintiff is because plaintiff(s) reside in a County other than where deponent maintains his office.

Dated: NEW YORK, NEW YORK  
April 10, 2007

  
\_\_\_\_\_  
DAVID H. MAYER, ESQ.

GUARDIAN over DANYAH ALI, infant, and  
MINERVA ALI, as Guardian over TANYAH ALI,  
infant,

*Plaintiffs,*

*-against-*

LECOURIUX G. YANNICK,

*Defendant.*

-----X

**SUPPLEMENTAL VERIFIED**  
**BILL OF PARTICULARS**

*Sacks and Sacks LLP*

150 BROADWAY  
NEW YORK, NEW YORK 10038  
(212) 964-5570

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
RASHAD ALI, MINERVA ALI, MINERVA ALI, as  
Guardian over DANYAL ALI, MINERVA ALI, as  
Guardian over DANYAH ALI, infant, and MINERVA  
ALI, as Guardian over TANYAH ALI, infant,

Index No.: 23156/06

**SECOND SUPPLEMENTAL  
VERIFIED BILL OF  
PARTICULARS**

*Plaintiffs,*

*-against-*

LECOURIUX G. YANNICK,

*Defendant.*

-----X  
ATTORNEYS:

PLEASE TAKE NOTICE that the plaintiffs, by their attorneys, SACKS AND SACKS, LLP, hereby supplements our Verified Bill of Particulars, based upon information and belief as follows:

3. Plaintiff, MINERVA ALI sustained the following injuries, in addition to the aforementioned injuries previously plead:

**NECK:**

- Straightening of the normal curvature of the cervical spine;
- Circumventrial disc bulging at C5-C6;
- Right cervical radiculopathy at root level with resulting numbness in the upper extremities;
- Paraspinal muscle spasms in cervical and lumbar spine;

**BACK:**

- Positive spurling signs;
- Bulging disc at L4-L5;

Plaintiff is currently awaiting approval for injections to the cervical and lumbar spine.

\*Possible surgical intervention may be required in the future.

Plaintiff's Danyal Ali, Danyah Ali and Tanyah Ali withdraw all claims for bodily

injuries in this action.

All of plaintiff's injuries have already required extensive orthopedic care, neurological care, physical therapy and will in the future, require further medical care and treatment including physical therapy, orthopedic care and the need for future surgical intervention.

All of the above injuries were attendant with extreme pain and suffering and have affected plaintiff's bodily systems and the skin, nerves, bones, tissues, tendons, muscles, blood vessels and other tissues. All of the above injuries and ill effects there from are permanent in nature except those of a superficial nature. Plaintiff reserves the right to supplement his bill of particulars at a later date when more medical information on plaintiff becomes available.

5. At the time of the accident, plaintiff Rashad Ali was employed as Journeyman Union Doorman by Hudson View Realty and was earning \$583.00 per week in gross pay. This number does not include plaintiff's union benefits package. Plaintiffs Rashad Ali and Minerva Ali was confined to bed and home for approximately two weeks, at intermittent dates, since the date of the accident, as a result of the injuries sustained in the accident. Plaintiff is not complaining that Danyal Ali, Danyah Ali and Tanyah Ali was forced to have any confinement to bed and home as a result of any injuries sustained in the accident.

Dated: New York, New York  
June 4, 2007

Yours, etc.,

**SACKS AND SACKS, LLP**

**DAVID H. MAYER, ESQ.**  
Attorneys for Plaintiffs  
150 Broadway – 4<sup>th</sup> Floor  
New York, N.Y. 10038  
(212) 964-5570

TO:


SOL Z. SOKEL, ESQ.  
KELLY, RODE & KELLY, LLP  
Attorneys for Defendant  
300 Old Country Road, Suite 305  
Mineola, New York 11501  
(516) 739-0400

ATTORNEY'S VERIFICATION

I, DAVID H. MAYER, am an attorney duly admitted to practice in the courts of New York State, and say that: I am the attorney of record, or of counsel with the attorney(s) of record, for the plaintiff(s), I have read the annexed **SECOND SUPPLEMENTAL VERIFIED BILL OF PARTICULARS** know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following: facts, investigations and pertinent data contained in deponent's file.

The reason I make this affirmation instead of plaintiff is because plaintiff(s) reside in a County other than where deponent maintains his office.

Dated: NEW YORK, NEW YORK  
June 4, 2007



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DAVID H. MAYER, ESQ.

GUARDIAN over TANYAH ALI, infant, and  
MINERVA ALI, as Guardian over TANYAH ALI,  
infant,

*Plaintiffs,*

*-against-*

LECOURIUX G. YANNICK,

*Defendant.*

-----X

**SECOND SUPPLEMENTAL VERIFIED**  
**BILL OF PARTICULARS**

*Sacks and Sacks LLP*

150 BROADWAY  
NEW YORK, NEW YORK 10038  
(212) 964-5570

SCANNED

8/14/07 MK



STATE OF NEW YORK)  
COUNTY OF NASSAU ) ss.:

SOL Z. SOKEL, being duly sworn deposes and says;

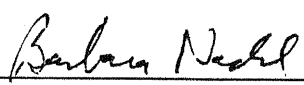
I am a duly admitted and practicing Attorney-at-Law; that I am one of the attorneys for the defendant, LECOURIUX G. YANNICK, herein and that I have read the foregoing ANSWER and know the contents thereof and that the same is true to my own knowledge, except as to those statements therein alleged to be upon information and belief and as to those statements, I believe it to be true.

The source of my knowledge is the contents of a file maintained in my office, which contains various reports of investigations, statements, interviews, copies of official documents, etc.

The reason this verification is not made by the defendant, LECOURIUX G. YANNICK, is due to the fact that said defendant does not reside in the same county wherein I maintain my professional office; to wit: County of NASSAU.

  
SOL Z. SOKEL

Sworn to before me this  
16th day of FEBRUARY, 2007

  
NOTARY PUBLIC

BARBARA NADEL  
Notary Public, State of New York  
No.01NA6106726  
Qualified in Nassau County  
Commission Expires March 15, 2008

AFFIDAVIT OF SERVICE BY MAIL

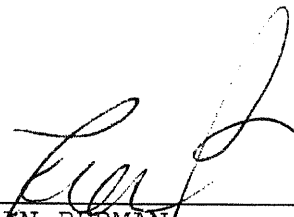
STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NASSAU     )

FRAN BERMAN, being duly sworn, deposes and says:

I am not a party to this action, am over 18 years of age and reside in Plainview, New York.

On the 16th day of FEBRUARY, 2007, I served the within ANSWER AND DEMAND FOR BILL OF PARTICULARS by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed each of the following persons at the last known addresses set forth each name:

TO: SACKS AND SACKS, LLP  
Attorneys for Plaintiffs  
Office & P.O. Address  
150 Broadway - 4<sup>th</sup> Floor  
New York, New York 10038

  
\_\_\_\_\_  
FRAN BERMAN

Sworn to before me on this  
16th day of FEBRUARY, 2007



Notary Public

ROBERT M. WABAKIS  
NOTARY PUBLIC, State of New York  
No. 304500280  
Qualified in Nassau County  
Commission Expires 7/3/10

Index No. Year 20  
23156 06

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

RASHAD ALI, MINERVA ALI, MINERVA ALI, as  
Guardian over DANYAL ALI, MINERVA ALI, as  
Guardian over DANYAH ALI, infant, and MINERVA  
ALI, as Guardian over TANYAH ALI, infant,

Plaintiff,

-against-

LECOURIUX G. YANNICK,

Defendants.

ANSWER AND DEMAND FOR BILL OF PARTICULARS  
**KELLY, RODE & KELLY, LLP**  
Attorneys for

330 OLD COUNTRY ROAD  
SUITE 305  
Defendant, NEW YORK 11501  
TELEPHONE NO. (516) 739-0400  
FACSIMILE NO. (516) 739-0434

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: .....

Signature.....

Print Signer's Name.....

Service of a copy of the within

is hereby admitted.

Dated:

.....  
Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

☐  
NOTICE OF  
ENTRY

that the within is a (certified) true copy of a  
entered in the office of the clerk of the within named Court on

20

☐  
NOTICE OF  
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the  
Hon. one of the judges of the within named Court,  
at  
on

20

, at

M.

Dated:

**KELLY, RODE & KELLY, LLP**

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX**

-----X  
RASHAD ALI, MINERVA ALI, MINERVA ALI, as  
Guardian over DANYAL ALI, MINERVA ALI, as  
Guardian over DANYAH ALI, infant, and MINERVA  
ALI, as Guardian over TANYAH ALI, infant,

**Index No.: 23156/06**

**NOTICE TO ADMIT**

*Plaintiffs,*

*-against-*

LECOURIUX G. YANNICK,

*Defendant.*

-----X  
**ATTORNEYS:**

PLEASE TAKE NOTICE, that you are hereby requested, pursuant to CPLR 3123, to give the undersigned, within twenty (20) days after the service thereof, a written admission of the following:

1. That at all times herein mentioned, on October 28, 2006 defendant, **LECOURIUX G. YANNICK** was the owner of a motor vehicle with New Jersey License Plate Number NSD41H.

2. That at all times herein mentioned, on October 28, 2006 defendant, **LECOURIUX G. YANNICK** was the lessee of a vehicle bearing License Plate Number NSD41H of New York State.

3. That at all times herein mentioned, defendant, **LECOURIX G. YANNICK** operated a 1997 Jeep vehicle on 132<sup>nd</sup> Street and Harlem River Drive on October 28, 2006 at or about 1:45 p.m.

4. That on October 28, 2006 at the aforementioned location, the motor vehicle operated by at all times herein mentioned, defendant, **LECOURIUX G. YANNICK** came into contact when the motor vehicle operated by RASHAD ALI.

Dated: New York, New York  
March 21, 2007

Yours, etc.,

SACKS AND SACKS, LLP



---

DAVID H. MAYER, ESQ.  
Attorneys for Plaintiff  
150 Broadway – 4<sup>th</sup> Floor  
New York, N.Y. 10038  
(212) 964-5570

TO:

SOL Z. SOKEL, ESQ.  
KELLY, RODE & KELLY, LLP  
Attorneys for Defendant  
300 Old Country Road, Suite 305  
Mineola, New York 11501  
(516) 739-0400

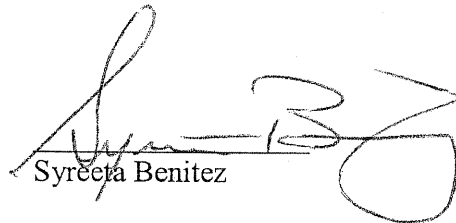
AFFIDAVIT OF SERVICE

STATE OF NEW YORK                    )  
  )  
COUNTY OF NEW YORK                )ss.:

SYREETA BENITEZ, being duly sworn, deposes and says that she is not a party to this action, is over the age of 18 years, and resides in KINGS, NEW YORK, and that on March 21, 2007 she served the within NOTICE TO ADMIT by depositing same in a properly addressed wrapper into the custody of the United State Postal Service, within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

TO:

SOL Z. SOKEL, ESQ.  
KELLY, RODE & KELLY, LLP  
Attorneys for Defendant  
300 Old Country Road, Suite 305  
Mineola, New York 11501  
(516) 739-0400

  
Syreeta Benitez

Sworn to before me this  
21<sup>st</sup> day of March, 2007

\_\_\_\_\_  
Notary Public

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----x  
RASHAD ALI, MINERVA ALI, MINERVA ALI, as  
Guardian over DANYAL ALI, MINERVA ALI, as  
Guardian over DANYAH ALI, infant, and MINERVA  
ALI, as Guardian over TANYAH ALI, infant,

Index #23156/06

Plaintiffs,

RESPONSE TO  
NOTICE TO  
ADMIT

-against-

LECOURIUX G. YANNICK,

Defendant.  
-----x

S I R S :

PLEASE TAKE NOTICE, the defendant(s), LECOURIUX G. YANNICK, by his attorneys, KELLY, RODE & KELLY, LLP, herein set(s) forth, as and for his Response to Notice to Admit the following, upon information and belief:

1. Denies any knowledge or information sufficient to form a belief as to the truth of the allegations.
2. Denies, upon information and belief.
3. Admit
4. Denies any knowledge or information sufficient to form a belief as to the truth of the allegations.

PLEASE TAKE FURTHER NOTICE, that the defendant(s) LECOURIUX G. YANNICK, by his attorneys, KELLY, RODE & KELLY, LLP, reserves his right to amend and/or supplement this Response at any time up to and including the time of the trial of the action,

should any additional or different information become available.

Dated: Mineola, New York  
April 5, 2007

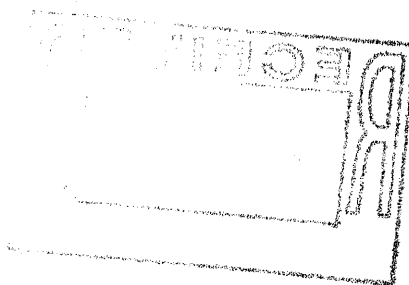
KELLY, RODE & KELLY, LLP

BY: 

SOL Z. SOKEL  
Attorneys for Defendant  
Office & P.O. Address  
330 Old Country Road  
Suite 305  
Mineola, New York 11501  
(516) 739-0400  
Our File No.: SZS 56050-301

TO: SACKS AND SACKS, LLP  
Attorneys for Plaintiffs  
Office & P.O. Address  
150 Broadway - 4<sup>th</sup> Floor  
New York, New York 10038  
(212) 964-5570





**EXHIBIT #2**

JUDGE DANIELS

## CIVIL COVER SHEET

JS 44C/SDNY  
REV. 12/2005

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

<b>PLAINTIFFS</b> RASHAD ALI, MINERVA ALI, MINERVA ALI, as Guardian over DANYAH ALI, MINERVA ALI, as Guardian over DANYAH ALI, infant and MINERVA ALI, as Guardian over TANYAH ALI, infant <b>ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)</b> SACKS & SACKS, LLP 150 Broadway, 4th Floor New York, New York 10038 (212) 964-5570	<b>DEFENDANTS</b> LECOURIUX G. YANNICK <b>ATTORNEYS (IF KNOWN)</b> KELLY, RODE & KELLY, LLP 330 Old Country Road, Suite 305 Mineola, New York 11501 (516) 739-0400
--	--

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

28 U.S.C. §1391(a)

NEW YORK RESIDENT BRINGS ACTION FOR SERIOUS INJURIES AGAINST NEW JERSEY RESIDENT.

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously Assigned ☐If yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_

&amp; Case No. \_\_\_\_\_

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

## BANKRUPTCY CASHIERS OTHER STATUTES

- |  |   |   |   |  |   |
|--|---|---|---|--|---|
| <b>CONTRACT</b><br><input type="checkbox"/> 110 INSURANCE<br><input type="checkbox"/> 120 MARINE<br><input type="checkbox"/> 130 MILLER ACT<br><input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT<br><input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT<br><input type="checkbox"/> 151 MEDICARE ACT<br><input type="checkbox"/> 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)<br><input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS<br><input type="checkbox"/> 160 STOCKHOLDERS SUITS<br><input type="checkbox"/> 190 OTHER CONTRACT<br><input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY<br><input type="checkbox"/> 196 FRANCHISE | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 AIRPLANE<br><input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY<br><input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER<br><input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY<br><input type="checkbox"/> 340 MARINE<br><input type="checkbox"/> 345 MARINE PRODUCT LIABILITY<br><input checked="" type="checkbox"/> 350 MOTOR VEHICLE<br><input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY<br><input type="checkbox"/> 360 OTHER PERSONAL INJURY | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE<br><input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY<br><input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 OTHER FRAUD<br><input type="checkbox"/> 371 TRUTH IN LENDING<br><input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE<br><input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY | <b>FORFEITURE/PENALTY</b><br><input type="checkbox"/> 610 AGRICULTURE<br><input type="checkbox"/> 620 FOOD & DRUG<br><input type="checkbox"/> 625 DRUG RELATED SEIZURE OF PROPERTY<br><input type="checkbox"/> 881 21 USC 881<br><input type="checkbox"/> 830 LIQUOR LAWS<br><input type="checkbox"/> 840 RR & TRUCK<br><input type="checkbox"/> 850 AIRLINE REGS<br><input type="checkbox"/> 860 OCCUPATIONAL SAFETY/HEALTH<br><input type="checkbox"/> 890 OTHER<br><b>LABOR</b><br><input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT<br><input type="checkbox"/> 720 LABOR/MGMT RELATIONS<br><input type="checkbox"/> 730 LABOR/MGMT REPORTING & DISCLOSURE ACT<br><input type="checkbox"/> 740 RAILWAY LABOR ACT<br><input type="checkbox"/> 790 OTHER LABOR LITIGATION<br><input type="checkbox"/> 791 EMPL RET INC SECURITY ACT | <input type="checkbox"/> 422 APPEAL<br><input type="checkbox"/> 425 28 USC 158<br><input type="checkbox"/> 423 WITHDRAWAL 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 COPYRIGHTS<br><input type="checkbox"/> 830 PATENT<br><input type="checkbox"/> 840 TRADEMARK<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 MIA (1395FF)<br><input type="checkbox"/> 862 BLACK LUNG (923)<br><input type="checkbox"/> 863 DIWC (405(g))<br><input type="checkbox"/> 863 DIWW (405(g))<br><input type="checkbox"/> 864 SSID TITLE XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 TAXES<br><input type="checkbox"/> 871 IRS-THIRD PARTY 20 USC 7609 | <input type="checkbox"/> 400 STATE REAPPORTIONMENT<br><input type="checkbox"/> 410 ANTITRUST<br><input type="checkbox"/> 430 BANKS & BANKING<br><input type="checkbox"/> 450 COMMERCE/ICC RATES/ETC<br><input type="checkbox"/> 460 DEPORTATION<br><input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)<br><input type="checkbox"/> 480 CONSUMER CREDIT<br><input type="checkbox"/> 490 CABLE/SATELLITE TV<br><input type="checkbox"/> 810 SELECTIVE SERVICE<br><input type="checkbox"/> 850 SECURITIES/COMMODITIES/EXCHANGE<br><input type="checkbox"/> 875 CUSTOMER CHALLENGE 12 USC 3410<br><input type="checkbox"/> 891 AGRICULTURE ACTS<br><input type="checkbox"/> 892 ECONOMIC STABILIZATION ACT<br><input type="checkbox"/> 893 ENVIRONMENTAL MATTERS<br><input type="checkbox"/> 894 ENERGY ALLOCATION ACT<br><input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT<br><input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE<br><input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES<br><input type="checkbox"/> 890 OTHER STATUTORY ACTIONS |
|--|---|---|---|--|---|

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN x IN ONE BOX ONLY)

## ORIGIN

- ☐ 1 Original Proceeding    ☒ 2a. Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from (Specify District)    ☐ 6 Multidistrict Litigation    ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court  
AND at least one party is a pro se litigant

(PLACE AN x IN ONE BOX ONLY)

## BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF    ☐ 2 U.S. DEFENDANT    ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)    ☒ 4 DIVERSITY

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1332, 1441)

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF <input type="checkbox"/> 3 <input type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF <input type="checkbox"/> 5 <input type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6 <input type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

1255 Ward Avenue  
Bronx, New York 10472

County of Bronx

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

60 Glen Boulevard  
Glenrock, New Jersey 07452

County of Bergen

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS    ☒ FOLEY SQUARE  
(DO NOT check either box if this a PRISONER PETITION.)

DATE  
6/15/07

SIGNATURE OF ATTORNEY OF RECORD

SOL Z. SOKEL

RECEIPT #



ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO

☒ YES (DATE ADMITTED Mo. 5 Yr. '00)  
Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

J Michael McMahon, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

KELLY, RODE & KELLY  
Sol Z. Sokel, Esq.  
330 Old Country Road, Suite 305  
Mineola, New York 11501  
(516) 739-0400  
Attorneys for Defendant Lecourieux G. Yannick

07 CV 6010

RASHAD ALI, MINERVA ALI, MINERVA ALI, as  
Guardian over DANYAL ALI, MINERVA ALI, as  
Guardian over DANYAH ALI, infant, and MINERVA  
ALI, as Guardian over TANYAH ALI, infant,

Plaintiffs,

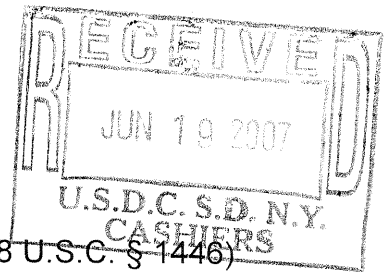
vs.

LECOURIUX G. YANNICK,

Defendant.

Civil Action No.

**NOTICE OF REMOVAL**



TO THE: UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

1. LECOURIUX G. YANNICK, is a defendant in the civil action brought on November 13, 2006 in the Supreme Court of the State of New York, County of Bronx. Pursuant to provision of Section 1391(a), 1441 and 1446 of Title 28 of the United States Code, Lecourieux G. Yannick removes this action to the United States District Court for the Southern District of New York, which is the judicial district in which the action is pending.

2. The grounds for removal of this action are diversity of citizenship. The plaintiff resides in Bronx County, New York. The defendant resides in Bergen County, New Jersey. Therefore, removal of this action is proper under Section 1391(a), 1441 and 1446 of Title 28 of the United States Code because this is a Civil Action in State

Court over which the Federal District courts would have had original jurisdiction had the action been commenced in Federal Court.

3. This Notice of Removal is timely under Section 1446(b) of Title 28 of the United States Code because Plaintiff's Response to Defendant's Demand Pursuant to CPLR §3017 were served on or about June 8, 2007. This Notice of Removal is filed within 30 days of receipt of said response, which is attached hereto, and is, therefore, timely under 28 U.S.C. § 1446(b).

4. All state-court papers served on the defendant at the time of removal, consistent of the summons and complaint are attached.

Dated this 15<sup>th</sup> day of June, 2007.

Yours, etc.,

KELLY, RODE & KELLY, LLP

By:

  
**SOL Z. SOKEL (6794)**

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